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STEPHEN R. GREINER, ESQUIRE
GREINER LAW OFFICES, P.C.
6701 DEMOCRACY BLVD., SUITE 110
BETHESDA, MD 20817

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OFFICE OF PETITIONS

In re Application of
Mark J. Verkamp
Application No. 10/691,626 .
Filed: October 24, 2003
Attorney Docket No. 3818.00

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ON PETITION

This is a decision in response to the petition, filed June 25, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed July 14, 2006. A Notice of Abandonment was mailed on January 24, 2007. In response, on June 25 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

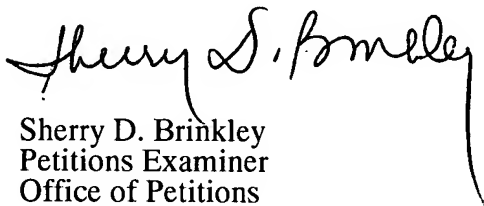
37 CFR 1.137(d) requires that any petition to revive in either a utility or plant application filed before June 8, 1995, be accompanied by a terminal disclaimer and fee as set forth in §1.321. Since this application is filed *after* June 8, 1995, no terminal disclaimer and fee are required. Accordingly, the terminal disclaimer filed June 25, 2007 is **not** accepted and \$65 fee paid therefor is subject to refund.

Also, extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$510 extension fees included with this petition.

Any request for refund of the fees noted above must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 3637 for consideration of the amendment filed June 25, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions